

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

YOUNG CONSERVATIVES OF
TEXAS FOUNDATION

v.

THE UNIVERSITY OF NORTH
TEXAS, ET AL.

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CIVIL NO. 4:20-CV-973-SDJ

ORDER

Having denied the remand motion filed by Plaintiff Young Conservatives of Texas Foundation (“Young Conservatives”), the Court **ORDERS** that the stay of deadlines in this case, (Dkt. #14), is hereby **LIFTED in part**. The stay is lifted except as to briefing on Plaintiff’s Motion for Summary Judgment and Memorandum in Support. (Dkt. #6). Once the Court has ruled on Defendants’ (collectively, “UNT”) Motion to Dismiss Pursuant to Rules 12(b)(1) and (6), (Dkt. #7)—and if necessary—the Court will issue an order setting the briefing deadlines on Plaintiff’s summary-judgment motion.

It is further **ORDERED** that the following deadlines are hereby set:


1. Young Conservatives’ response to UNT’s Motion to Dismiss Pursuant to Rules 12(b)(1) and (6), (Dkt. #7), will be due on **August 11, 2021**.
2. UNT’s reply, if any, will be due on **August 18, 2021**, and Young Conservatives’ sur-reply, if any, will be due **August 25, 2021**.
3. The parties’ proposed scheduling order: **September 3, 2021**.
4. The case is **SET for a Rule 16 management conference on Friday, September 24, 2021, at 4:00 p.m.** at the United States Courthouse, 7940 Preston Road, Plano, Texas 75024.

All other provisions of the Court's Order Governing Proceedings, (Dkt. #11), remain in force unchanged.

In addition, the Court notes that Young Conservatives' Complaint asserts that Section 54.051(d) of the Texas Education Code "directly conflicts with federal law," and therefore "is preempted by, and thus unconstitutional under, the Supremacy Clause of the United States Constitution." (Dkt. #1 at 1). Young Conservatives further pleads that, by enforcing Section 54.051(d), the UNT-official defendants "have acted and continue to act without legal authority by imposing nonresident tuition on United States citizens." (Dkt. #1 ¶ 32). Based on these allegations, Young Conservatives requests injunctive relief against those officials.

In light of the foregoing allegations, the Court hereby **ORDERS** both Young Conservatives and UNT to address in their briefing on Defendants' Motion to Dismiss Pursuant to Rules 12(b)(1) and (6), (Dkt. #7), the Supreme Court's decision in *Armstrong v. Exceptional Child Center, Inc.*, 575 U.S. 320, 135 S.Ct. 1378, 191 L.Ed.2d 471; *see also Freedom from Religion Foundation, Inc. v. Mack*, __F.4th__, 2021 WL 2887861 (5th Cir. July 9, 2021); *Air Evac EMS, Inc. v. Tex., Dep't of Ins.*, 851 F.3d 507 (5th Cir. 2017).

So ORDERED and SIGNED this 28th day of July, 2021.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE